

MINUTES OF THE TOWN BOARD MEETING OF MAY 9, 2012

PRESENT:	Supervisor	Teresa Dean
	Council	Edward Fairbrother
		Mike Smith
		Andy Gillette
		Mike Saglibene
	Attorney	Fredrick Ahrens
	Town Clerk	Linda Cross

Supervisor Dean called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

PUBLIC HEARING 4:30 p.m. Establishing 4 ton weight limit on Beers Hill Rd.
Tentatively Local Law No.1 of 2012

Supervisor Dean called the public hearing to order at 4:30 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on May 2, 2012, which allowed and considered public comments to allow and consider public comments from any interested parties herein, at the time specific, establishing a 4 ton weight limit on Beers Hill Road, excluding emergency vehicles, local deliveries designing Beers Hill Road, school buses, and municipal vehicles.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:32 p.m.

CONCERNS OF THE PEOPLE

Dave Manchester, 62 Beacon Lane, provided an update that the County Legislature will be acting on the surplus property adjacent to the Town Complex. It's official that our Legislative Chairman is Donna Draxler and she would like to attend a Town Board meeting.

Carolyn Welliver, 107 Lyons Drive Ext., submitted copies of a letter she read at the Town Board Meeting regarding the concerns about the Big Flats Community Center.

Nancy Swartz, 10 Heritage Lane, expressed great concern about the youth and senior situation at the Community Center.

REPORTS

Supervisor Dean stated the following reports for April 2012 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Youth Department Monthly Report,
SPCA Monthly Report, Justice Court Monthly Report, Supervisor's

MINUTES OF THE TOWN BOARD MEETING OF MAY 9, 2012

Fund Balance Report, Assessor's Monthly Report, Department of Public Works Monthly Report, Code and Planning Department Monthly Report.

Supervisor Dean reported the problems with our website and indicated that she spoke to Jeremy and Marc and was unable to get it up and running. Councilperson Gillette stated he would gladly assist in anyway.

Councilperson Fairbrother thanked the Commissioner of Public Works and Highway Supervisor, and crew for the work completed during the severe rains and for their work on Upson Road

Supervisor Dean introduced Joann Martinic, requested a proposal adventure in art making for children ages 6-12 years. This includes all the materials.

UNFINISHED BUSINESS

RESOLUTION NO. 129-12

LOCAL LAW NO. 1 FOR THE YEAR 2012, ESTABLISHING A FOUR-TON WEIGHT LIMIT ON BEERS HILL ROAD APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS there has been duly presented to the members of the Town Board on April 25, 2012, Town of Big Flats Local Law Tentatively No. 1 for the Year 2012, establishing a 4 ton weight limit on Beers Hill Road, excluding emergency vehicles, municipal vehicles, local deliveries with destination on Beers Hill Road, and school buses, and this Town Board by resolution, preliminarily adopted said Local Law on April 25, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on May 9, 2012; and

WHEREAS in accordance with said resolution and Notice of Public Hearing, this Town Board of the Town of Big Flats did conduct a Public Hearing on November 9, 2012 at 4:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Town Board having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum, now

THEREFORE, BE IT RESOLVED that Town of Big Flats Local Law Tentatively No. 1 for the Year 2012, as hereinafter set forth be and the same hereby is finally adopted, to wit:

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RESOLUTION NO. 129-12, LOCAL LAW NO. 1 FOR THE YEAR 2012, ESTABLISHING A FOUR-TON WEIGHT LIMIT ON BEERS HILL ROAD APPROVED continued

**TOWN OF BIG FLATS
LOCAL LAW TENTATIVELY NO. 1 FOR THE YEAR 2012**

A LOCAL LAW establishing a 4 ton weight limit on Beers Hill Road, excluding emergency vehicles, municipal vehicles, local deliveries with designations on Beers Hill Road, and school buses.

Be it enacted by the Town Board of the Town of Big Flats as follows:

SECTION 1: The Town Board of the Town of Big Flats does hereby designate a 4 ton weight limit on Beers Hill Road, excluding emergency vehicles, municipal vehicles, local deliveries with destination on Beers Hill Road, and school buses. Once said Local Law is filed in accordance with Section 2 of said Law, the Department of Public Works is hereby directed to post the required weight limit notifications.

SECTION 2: This Local Law shall become effective after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

FURTHER RESOLVED the Town Clerk shall cause one certified copy thereof to be filed in the office of the Secretary of State of the State of New York.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

**RESOLUTION NO. 130-12
LOCAL LAW NO. 2 OF 2012, MUNICIPAL CODE, TITLE 17 AMENDED**

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Town of Big Flats Board had initiated a series of amendments to the Zoning Law and presented Local Law Tentatively No. 2 of 2012 on April 25, 2012, and

WHEREAS it has been determined that the Town of Big Flats Planning Board should have adequate time to review and comment on said proposed Local Law, now

THEREFORE, BE IT RESOLVED, the Town Board amends the Public Hearing date and time to be held at the Town Board Meeting on July 11, 2012, at 4:30 P.M. or such other date and time that may be adjourned, at Town of Big Flats Town Hall, 476 Maple Street, Big Flats, New York 14814, and

MINUTES OF THE TOWN BOARD MEETING OF MAY 9, 2012

RESOLUTION NO. 130-12, LOCAL LAW NO. 2 OF 2012, MUNICIPAL CODE, TITLE 17
AMENDED continued

FURTHER RESOLVED the Town Clerk shall cause a notice of said Public Hearing notice published in the official newspaper of the Town and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: Gillette

NEW BUSINESS

RESOLUTION NO.131-12
SUMMER T.A.F.F.Y. EMPLOYEES FOR 2012 APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS the Big Flats Youth Services Department will be hosting the Summer TAFFY Program, and

WHEREAS the Program Coordinator conducted interviews and necessary background checks and recommends the Town Board appoint the employees listed below, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following Summer TAFFY employees effective May 20, 2012 – August 3, 2012:

Calla Abrunzo	620 W. Broad St. HH	\$7.35
Robert Beeman	7 Fawn Lane, BF	\$7.30
Claire Blaney	37 Sing Sing Rd. HH	\$7.30
Skyler Cross	352 Chambers Rd. HH	\$8.00 (Park Leader)
Wynn Curtis	17 Hickory St. BF	\$7.25 (Intern)
Connor Davis	32 Carson Dr. Elm.	\$7.30
Victoria Davis	2840 County Line Dr., BF	\$7.25 (Intern)
Megan Dawson-Elli	38 Quail Run, Elmira	\$7.30
Abigail Donahue	261 Prospect Hill Rd. HH	\$7.35
Zachary Dunbar	29 Larchmont Ave. BF	\$7.30
Kiesten Duroe	2850 County Line Dr. BF	\$7.35
Cameron Frisbie	51 Cayuga Dr. HH	\$7.30
Eric Garrison	56 Churchill Place, BF	\$8.25 (Rover)
Brittani Gentz	50 Ponderosa Dr. HH	\$8.00 (Park Leader)
Patrick Hutten	57 Woodland Dr. BF	\$7.25
Carissa Kirkwood	219 Blue Jay Dr. HH	\$7.35

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RESOLUTION NO.131-12, SUMMER T.A.F.F.Y. EMPLOYEES FOR 2012 APPROVED
continued

Ashley Larimore	61 Lyons Dr, HH	\$8.00 (Park Leader)
Meghan Marks	18 Algonquin Dr. HH	\$8.00 (Park Leader)
Corey McCann	35 W. Easterbrook Dr. HH	\$7.25
Nicholas Nalbach	25 Valley Road, BF	\$7.30
Emily Pautz	495 Halderman Hollow Rd. Elm.	\$8.00 (Park Leader)
Kelly Rathbun	543 Hatfield St. HH	\$8.00
Matteo Scaptura	122 Monroe Dr. HH	\$7.35
Paul Sechrist	4 Woodside Dr. Elm.	\$7.30
Sarah Sechrist	4 Woodside Dr., Elm.	\$8.75 (Program Asst)
Kevin Smith	5086 McLaughlin Rd. BD	\$7.35
Samantha Swartz	10 Heritage Lane, HH	\$7.25 (Intern)
Jonathan Szewczyk	26 Liberty Way HH	\$7.25
Larissa Wagner	19 Cayuga Dr. HH	\$8.00 (Park Leader)
Megan Walker	35 Antler Rd. BF	\$7.25 (Intern)
Sarah Walker	35 Antler Rd. BF	\$7.35, and

FUTHERRESOLVED the Town Board appoints Eric Garrison 56 Churchill Place Big Flats, NY as Rover/Park Leader at the rate of \$8.25 per hour effective May 28, 2012 through August 10, 2012.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTIN NO. 132-12
PART-TIME CLERK TO THE JUSTICE, PART-TIME APPROVED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS the Town Justice have recommended the Town Board hire Carol Zachary for the position of clerk to the Justice, Part-time, and

WHEREAS for environmental review purpose, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same,

NOW BE IT THEREFORE RESOLVED the Town Board authorizes the hiring of Carol Zachary, 241 Chambers Street, Beaver Dams, as the Clerk to the Justice, Part-time effective May 14, 2012 at the rate of \$10.00 per hour.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

MINUTES OF THE TOWN BOARD MEETING OF MAY 9, 2012

RESOLUTION NO.133-12
TOWN'S POLICY RELATIVE TO THE USE OF THE COMMUNITY CENTER AND THE
INSURANCE REQUIREMENTS APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town has adopted a Policy for the use of the Community Center, and

WHEREAS insurance requirements compliance are provided for, which requirements maybe waived upon "good cause shown", and

WHEREAS the determination as to what constitutes "good cause shown" rest with the Director of the Community Center, and

WHEREAS it is preferable that waiver for "good cause shown" is best determined by the Town Board upon application by persons or organizations seeking the waiver, now

BE IT THEREFORE RESOLVED the determination for "good cause shown" for waiver of the insurance provisions shall henceforth be a determination made by the Town Board upon written application submitted to the Director or the Town Supervisor, and

FURTHER RESOLVED Section 4 of the Community Center Use Policy shall and the same hereby is amended to be consistent with this resolution, and

FURTHER RESOLVED the form of the application shall be prepared by the Attorney for the Town.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 134-12
REPORTING STANDARD WORK DAY / EMPLOYEE'S RETIREMENT SYSTEM
APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS in accordance with Regulation 315.4, New York State Comptroller requires a standard work day for elected or appointed officials be established for the purpose of reporting work days to the New York State and Local Employees' Retirement System, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF THE TOWN BOARD MEETING OF MAY 9, 2012

RESOLUTION NO. 134-12, REPORTING STANDARD WORK DAY / EMPLOYEE'S RETIREMENT SYSTEM APPROVED continued

BE IT THEREFORE RESOLVED the Town of Big Flats Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins / Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials							
Supervisor	Teresa M. Dean	xxxxxx	Xxxxxx	6.0	01/01/2010-12/31/2013	N	20
Town Clerk	Linda J. Cross	Xxxxxx	xxxxxx	7.5	01/01/2010-12/31/2013	N	20
Tax Collector	Robert Newlun	Xxxxxx	xxxxx	6.0	01/01/2010-12/31/2013	N	7.34
Board Member	Edward Fairbrother	Xxxxxx	xxxxxx	6.0	01/01/2012-12/31/2015	N	5.78
Board Member	Michael Smith	Xxxxxx	xxxxxx	6.0	01/01/2010-12/31/2013	N	.88
Board Member	Michael Saglibene	Xxxxxx	xxxxxx	6.0	01/01/2012-12/31/2015	N	2.97
Board Member	Andrew Gillette	xxxxxx	xxxxx	6.0	01/01/2012-12/31/2013	N	1.74

FURTHER RESOLVED the Town Board authorizes the Town Clerk to certify the original resolution passed by the Town Board and file the necessary documentation.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean
NAYS: None

RESOLUTION NO.135-12 ROAD SALT PURCHASE FOR 2012-2013, STATE BID APPROVED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS the Town will need to purchase salt for winter road maintenance for 2012/2013, and

WHEREAS the State bid for road salt is listed under Group No. 01800, and

WHEREAS the contract period for road salt is September 1, 2012 through August 31, 2013 and

WHEREAS the state mandated that a Requirement Letter be filed with OGS prior to May 15, 2012 to participate in purchasing under State Bid, and

MINUTES OF THE TOWN BOARD MEETING OF MAY 9, 2012

RESOLUTION NO.135-12, ROAD SALT PURCHASE FOR 2012-2013, STATE BID
APPROVED continued

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorized Larry Wagner to purchase road salt, not to exceed one thousand five-hundred ninety (1,590) ton, utilizing state bid contract for the duration of said contract period.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 136-12
2012 ROAD PAVEMENT BID APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS a bid advertisement was published in the Elmira Star Gazette and bids were received by May 7, 2012, and

WHEREAS the following Type 6 and Type 3 blacktop bid per ton bids were received:

Chemung Contracting Corp	Type 6F Top	\$ 78.95 /Ton
	Type 3 Binder	\$ 69.95 /Ton
	Milling Roads	\$ 1.10. per cu. yd.
	Warm Mix Top	\$ 78.95 /Ton
	Warm Mix Binder	\$ 69.95 /Ton
Narde Paving, Co.	Type 6F Top	\$ 73.00 /Ton
	Type 3 Binder	\$ 63.00 /Ton and

WHEREAS the Commissioner of Public Works recommends the bid be awarded to Narde Paving Co., and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board awards the bid proposal to Narde Paving Co, for the following items:

Type 6F Top	\$ 73.00 /Ton
Type 3 Binder	\$ 63.00 /Ton

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

MINUTES OF THE TOWN BOARD MEETING OF MAY 9, 2012

RESOLUTION NO. 137-12
2012 BUDGET AMENDMENT AND TRANSFER APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a memorandum was received from the Bookkeeper, dated April 27, 2012 requesting authorization for a budget amendment and transfer for additional road paving, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget amendments:

General Fund

Increase Appropriation	A0960	\$142,057	
To Increase Transfers – Other Funds	A9901-0900	\$142,057	
Increase Appropriated Fund balance	A0599	\$142,057	
From Fund Balance	A0909		\$142,057

Highway

Increase Estimated Revenues	D0510	\$142,057	
Increase Interfund Revenues	D5031	\$142,057	
Increase Appropriations	D0960	\$142,057	
Increase Permanent Improvements	CE-D5112.0400		\$142,057

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 138-12
NEXLINK IP SERVER FOR THE TOWN HALL APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS the Town of Big Flats Town Hall is into the fifth year with the current 2003 R2 server and it has been determined that the Town Board consider updating of the Town Server and use the existing server as an emergency backup, and

WHEREAS Marc Chevalier has solicited quotes for the replacement of said server, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

MINUTES OF THE TOWN BOARD MEETING OF MAY 9, 2012

RESOLUTION NO. 138-12, NEXLINK IP SERVER FOR THE TOWN HALL APPROVED
continued

BE IT THEREFORE RESOLVED the Town Board approves the purchase of a Nexlink IP Server as recommended and submitted as Quotation-SQ066223 from Seneca Date Distributors, Inc. at a cost not-to-exceed Two Thousand Two Hundred Seventy Five Dollars (\$2,275.00), and

FURTHER RESOLVED the Town Board authorizes the following budget transfer for the purchase of said server:

FROM:	Contingency	A1990.0400	\$2,275.00
TO:	Central Data Processing	A1680.0400	\$2,275.00

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 139-12
COMMUNICATIONS LOG APPROVED

Resolution by: Gillette
Seconded by: Saglibene

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

April 24, 2012

NYSEG & RG&E News Release – RE: Advise Contractors and Customers to be Safe When Working and Playing Outdoors. *Referred to: filed with the Town Clerk.*

NYSEG & RG&E News Release – RE: Continue to Play Vital Role In Viability of New Power Generation Sources. *Referred to: filed with the Town Clerk.*

April 30, 2012

2012 Assessment Notification – RE: 376 Hibbard Road; 708 County Route 64; 840 County Route 64; Maple Street; Kahler Road. *Referred to: filed with the Town Clerk.*

New York State Department of Environmental Conservation – RE: Notice of Availability of State and Federal Funds. *Referred to: Commissioner of Public Works; Code Enforcement/Planning Officer and filed with the Town Clerk.*

United States Department of Interior – RE: Study of Naturally Occurring Methane in Ground Water. *Referred to: Commissioner of Public Works and filed with the Town Clerk.*

Town of Big Flats Tax Payer – RE: Homes around Their Property. *Referred to: Code Enforcement Officer and filed with the Town Clerk.*

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May 2, 2012

Sprague Insurance – RE: Review the NYMIR Program. *Referred to: Town Board and Town Clerk for filing.*

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 140-12

AGREEMENT WITH CHEMUNG COUNTY SHERIFFS DEPARTMENT APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Town Board has determined that it needs to promote and maintain the security and safety of the meetings conducted by the Town of Big Flats Town Board, and

WHEREAS Chemung County is willing to enter into an agreement for the purpose of providing deputy or deputies to the Town Board meetings, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the agreement with the County of Chemung for the purpose of promoting and maintaining the security and safety of the meetings conducted by the Town of Big Flats Town Board effective May 23, 2012 through December 31, 2012.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

Supervisor Dean made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to discuss a particular personnel matter regarding employment and job performance of particular persons at 4:56 p.m. All in favor, motion carried.

The Town Supervisor reconvened the Town Board Meeting at 5:28 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to set a Special Meeting for May 21, 2012 at 5:00 p.m. for the purpose of interviewing. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 5:29 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk